

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6760

BILL NUMBER: SB 180

NOTE PREPARED: Dec 24, 2008

BILL AMENDED:

SUBJECT: Candidate Challenges.

FIRST AUTHOR: Sen. Lanane

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that a candidate's qualifications for, or election to, a public office may not be challenged in an action based on the same grounds that a challenge to the candidate's eligibility, qualifications, nomination, or election was made or could have been made under Indiana's election statutes. The bill allows a candidate who was first declared nominated or elected to a local or school board office ten days to file a petition to contest the nomination or election of another candidate following a recount.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: *Summary-* The bill would minimally affect court fee revenues as the occurrence of civil actions from candidate challenges is rare. Additionally, school board candidates in a corporation entirely within the county and wishing to contest an election outcome would have to do so within four fewer days than under current law. Under current law, the candidate has 14 days after election day to contest.

Background- Court Fee Revenue: A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type

of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* When a civil case is filed, the county general fund receives 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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